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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|------------------------------|------------------------|
| 10/688,527 | 10/17/2003 | Maarten Menzo Wentink | 050337-1160 (05CXT0054WL) | 7957 |
| 24504 7590 04/04/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994 | | | EXAMINER ANDREWS, LEON T | |
| | | | ART UNIT 2616 | PAPER NUMBER |
| | | | MAIL DATE 04/04/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|--------------------------------------|---|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/688,527 | Applicant(s) WENTINK, MAARTEN MENZO | |
| | Examiner LEON ANDREWS | Art Unit 2616 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-37.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Seema S. Rao/
 Supervisory Patent Examiner, Art Unit 2616

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed February 28, 2008 have been fully considered, but they are not persuasive.

- In the remarks on page 15 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining a power save status of a first station' and did not anticipate claim 1. As such, the rejection should be withdrawn. Further, since independent claim 1 is allowable, dependent claims 2-5 are also allowable since they contain all the features of claim 1.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes a determination to place the Bluetooth radio (station) in a power save (park) mode since the Bluetooth transmission is held back. Thus, claim 1 was anticipated and the rejection would not be withdrawn. Consequently, claim 1 and dependent claims 2-5 are not allowable.

- In remarks on pages 16 and 17 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the station is in power save mode' and did not anticipate claim 6. As such, the rejection should be withdrawn. Further, since independent claim 6 is allowable, dependent claim 7 is also allowable since it contains all the features of claim 6. Thus, the rejection to claim 7 should be withdrawn and the claim allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes a determination to place the Bluetooth radio (station) in a power save (park) mode since the Bluetooth transmission is held back. Thus, claim 6 was anticipated and the rejection of claims 6 and 7 would not be withdrawn. Consequently, claim 6 and dependent claim 7 are not allowable.

- In remarks on pages 17 and 18 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'enabling or disabling of the transmission protection is associated with a determination of whether the first station is in a power save mode' and did not anticipate claim 8. As such, the rejection should be withdrawn. Further, since independent claim 8 is allowable, dependent claims 9-15 are also allowable since they contain all the features of claim 8. Thus, the rejection to claims 9-15 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends Awater et al. discloses that the Bluetooth radio system is deactivated (disabling) into a Park/Hold mode whilst an IEEE 803.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively) thereby enabling transmission protection while the Bluetooth radio (station) in the power save (park) mode. As such, claim 8 was anticipated and the rejection to claim 8 and 9-15 would not be withdrawn. Further, claim 8 and dependent claims 9-15 are not allowable.

- In remarks on page 19 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the second station is in power save mode' and did not anticipate claim 16. As such, the rejection should be withdrawn. Further, since independent claim 16 is allowable, dependent claims 17-19 are also allowable since it contains all the features of claim 16. Thus, the rejection to claim 17-19 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the IEEE 802.11 transmission is held back or in the Park mode if the Bluetooth ACL packet transmission or reception is in progress (column 11, lines 1-6). This causes a determination to place the Bluetooth (station) in a power save (park) mode since the Bluetooth transmission is held back. Thus, claim 16 was anticipated and the rejection to claims 16 and 17-19 would not be withdrawn. Further, claim 16 and dependent and dependent claims 17-19 are not allowable.

- In remarks on page 20 and 21 of the amendment applicant contends that Awater et al. did not disclose, teach or suggest 'a processor for determining a power save status of a first station' and did not anticipate claim 20. As such, the rejection should be withdrawn. Further, since independent claim 20 is allowable, dependent claims 21-23 are also allowable since it contains all the features of claim 20. Thus, the rejection to claim 21-23 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes a determination to place the Bluetooth radio (station) in a power save (park) mode since the processing of the Bluetooth transmission is held back. Thus, claim 20 was anticipated and the rejection to claim 20 and 21-23 would not be withdrawn. Consequently, claims 20 and dependent claims 21-23 are not allowable.

- In remarks on pages 21 and 22, applicant contends that Awater et al. did not disclose, teach or suggest 'a receiver for determining whether the station is in power save mode' and did not anticipate claim 24. As such, the rejection should be withdrawn. Further, since independent claim 24 is allowable, dependent claim 25 is also allowable since it contains all the features of claim 24. Thus, the rejection to claim 25 should be withdrawn and the claim allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio (receiver) to be in a power save (park) mode since the Bluetooth transmission is held back. Thus, claim 24 was anticipated and the rejection for claims 24 and 25 would not be withdrawn. Consequently, claim 24 and dependent claims 25 are not allowable.

- In remarks on pages 23 and 24, applicant contends that Awater et al. did not disclose, teach or suggest 'a transmitter for alternately enabling and disabling transmission protection at a first station responsive to determining that the first station is in power save mode, wherein the first station communicates via a shared communications channel in accordance with a first modulation

scheme' and did not anticipate claim 26. As such, the rejection should be withdrawn. Further, since independent claim 26 is allowable, dependent claims 27-33 are also allowable since it contains all the features of claim 26. Thus, the rejection to claim 27-33 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends Awater et al. discloses that the Bluetooth radio system is deactivated (disabling) whilst an IEEE 803.11 transmission (via a transmitter) takes place thereby enabling transmission protection while the Bluetooth radio (station) is in the power save (park) mode, wherein first station communicates (enabling transmission) via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45). As such, claim 26 was anticipated and the rejection to claims 26 and 27-33 would not be withdrawn. Further, claims 26 and dependent claims 27-33 are not allowable.

- In remarks on pages 24 and 25 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the second station is in power save mode' and did not anticipate claim 34. As such, the rejection should be withdrawn. Further, since independent claim 34 is allowable, dependent claims 35-37 are also allowable since it contains all the features of claim 34. Thus, the rejection to claim 35-37 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the IEEE 802.11 transmission is held back or in the Park mode if the Bluetooth ACL packet transmission or reception is in progress (column 11, lines 1-6). This causes a determination to place the Bluetooth (station) in a power save (park) mode since the Bluetooth transmission is held back. Thus, claim 34 was anticipated and the rejection to claims 34 and 35-37 would not be withdrawn. Further, claim 34 and dependent and dependent claims 35-37 are not allowable.

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